

**Russer Foods  
Augusta Division  
Kennebec County  
Augusta, Maine  
A-135-71-N-N**

**Departmental  
Findings of Fact and Order  
Air Emission License  
After-the-Fact**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

Russer Foods, Augusta Division (Russer) of Augusta, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their meat processing facility.

This facility was previously licensed as Jordan's Meats. They have requested to change their licensed name to Russer Foods, Augusta Division. This change represents a change in name only and not a transfer of ownership.

**B. Emission Equipment**

Russer is licensed to operate the following equipment:

**Fuel Burning Equipment**

<b><u>Equipment</u></b>	<b><u>Maximum Capacity (MMBtu/hr)</u></b>	<b><u>Maximum Firing Rate (gal/hr)</u></b>	<b><u>Fuel Type, % sulfur</u></b>
Boiler #1	20.9	139.3	#6 Fuel Oil, 0.7%
Boiler #2	25.1	167.3	#6 Fuel Oil, 0.7%
Oven Burner #1	1.65	17.6	Propane, negligible
Oven Burner #2	1.65	17.6	Propane, negligible
Oven Burner #3	1.65	17.6	Propane, negligible

Russer also operates a Safety Kleen parts washer.

**C. Application Classification**

The previous air emission license for Russer expired on September 3, 2002. A complete application was not submitted on time, therefore Russer is considered to be an existing source applying for an after-the-fact renewal. The facility is determined to be a minor source and the application has been processed through Chapter 115 of the Department's regulations.

**II. BEST PRACTICAL TREATMENT (BPT)**

**A. Introduction**

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Department regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis per Chapter 115 of the Department's regulations.

**B. Boilers**

Boilers #1 and #2 fire #6 fuel oil and are used for process steam and facility heating needs.

Boilers #1 and #2 were manufactured in 1977 and 1981 respectively, and are therefore not subject to the New Source Performance Standards (NSPS) Subpart Dc for steam generating units greater than 10 MMBtu/hr manufactured after June 9, 1989.

A summary of the BPT analysis for Boiler #1 (20.9 MMBtu/hr) and Boiler #2 (25.1 MMBtu/hr) is the following:

1. The total fuel use for Boilers #1 and #2 shall not exceed 720,000 gal/year of #6 fuel oil, based on a 12 month rolling total, with a maximum sulfur content not to exceed 0.7% by weight.
2. Chapter 106 regulates fuel sulfur content, however, in this case, BPT for SO<sub>2</sub> was determined to be a more stringent limit of 0.7% and shall be used.
3. Chapter 103 regulates PM emission limits. The PM<sub>10</sub> limits are derived from the PM limits.
4. NO<sub>x</sub> emission limits are based on data from similar #6 fired boilers of this size and age.

5. CO and VOC emission limits are based upon AP-42 data dated 9/98.
6. Visible emissions from the boilers shall each not exceed 20% opacity on a 6-minute block average, except for no more than 2 six-minute block averages in a continuous 3-hour period.

**C. Continuous Cooking Oven**

The Continuous Cooking Oven has three identical burners, each rated at 1.65 MMBtu/hr firing propane. The oven also fires small amounts of hickory sawdust and corncobs for the sole purpose of adding flavor to the products.

A summary of the BPT analysis for Oven Burners #1, #2, and #3 (1.65 MMBtu/hr each) is the following:

1. The Continuous Cooking oven shall fire only propane and small amounts of hickory sawdust and corncobs.
2. The PM and PM<sub>10</sub> emission limits are derived from Chapter 103.
3. NO<sub>x</sub>, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
4. Visible emissions from each of the Continuous Cooking Oven stacks shall not exceed 10% opacity on a 6-minute block average basis.

**D. Annual Emission Restrictions**

Russer shall be restricted to the following annual emissions, based on a 12 month rolling total:

**Total Allowable Annual Emission for the Facility**  
(used to calculate the annual license fee)

<u><b>Pollutant</b></u>	<u><b>Tons/Year</b></u>
PM	13.4
PM <sub>10</sub>	13.4
SO <sub>2</sub>	37.8
NO <sub>x</sub>	27.5
CO	2.2
VOC	0.2

### **III.AMBIENT AIR QUALITY ANALYSIS**

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling and monitoring are not required for a renewal if the total emissions of any pollutant released do not exceed the following:

<u><b>Pollutant</b></u>	<u><b>Tons/Year</b></u>
PM	25
PM <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	100
CO	250

Based on the above total facility emissions, Russer is below the emissions level required for modeling and monitoring.

### **ORDER**

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-135-71-N-N subject to the following conditions:

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.

- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. § 353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - b. pursuant to any other requirement of this license to perform stack testing.
  - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for

the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.

- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.
- (16) **Boilers**
- A. Total fuel use for Boilers #1 and #2 shall not exceed 720,000 gal/yr of #6 fuel oil with a maximum sulfur content not to exceed 0.7% by weight. Compliance shall be based on fuel receipts from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. Records of annual fuel use shall be kept on a 12-month rolling total basis.
- B. Emissions shall not exceed the following:

<b>Equipment</b>		<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boiler #1	lb/MMBtu	0.20	-	-	-	-	-
	lb/hr	4.18	4.18	14.63	9.41	0.70	0.04
Boiler #2	lb/MMBtu	0.20	-	-	-	-	-
	lb/hr	5.02	5.02	17.57	11.30	0.84	0.05

- C. Visible emissions from Boilers #1 and #2 shall each not exceed 20% opacity on a 6-minute block average, except for no more than 2 six-minute block averages in a continuous 3-hour period.
- (17) **Continuous Cooking Oven**
- A. Russer shall fire only propane and small amounts of hickory sawdust and corncobs in the Continuous Cooking Oven.
- B. Russer shall maintain records of monthly fuel use in the Continuous Cooking Oven.

C. Emissions shall not exceed the following:

Equipment		PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Oven Burner #1	lb/hr	0.20	0.20	0.01	0.25	0.03	0.01
Oven Burner #2	lb/hr	0.20	0.20	0.01	0.25	0.03	0.01
Oven Burner #3	lb/hr	0.20	0.20	0.01	0.25	0.03	0.01

D. Visible emissions from each of the Continuous Cooking Oven stacks shall not exceed 10% opacity on a 6-minute block average basis.

(18) **Parts Washer**

The parts washer is subject to the operational and record keeping requirements of MEDEP Chapter 130 which include, but are not limited to, the following:

- A. Russer shall keep records of the amount of solvent added to each parts washer.
- B. Russer shall attach a permanent conspicuous label to each unit summarizing the following operational standards of Chapter 130:
  1. Equip each cold cleaning degreaser with a cover that is easily operated with one hand if:
    - a.the solvent vapor pressure is greater than 15 millimeters of mercury measured at 100 °F by ASTM D323-89; or,
    - b.the solvent is agitated; or,
    - c.the solvent is heated.
  2. Close the covers on all solvent degreasing tanks when the tanks are not in use;
  3. Drain the cleaned parts for at least fifteen (15) seconds or until dripping stops;
  4. If used, supply a solvent spray that is a solid fluid stream (not a fine, atomized or shower-type spray) at a pressure that does not exceed ten (10) pounds per square inch gauge pressure (psig);
  5. Do not degrease porous or absorbent materials, such as cloth, leather, wood or rope;
  6. Minimize drafts to less than 40 meters/minute;
  7. Refrain from operating the cold cleaning degreaser upon the occurrence of any visible solvent leak until such leak is repaired; and
  8. Do not use any halogenated solvents in the degreasing tanks.

- (19) Russer shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (Title 38 MRSA §605-C).



**(20) Annual Emission Statement**

In accordance with MEDEP Chapter 137, the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department;  
or
- 2) A written emission statement containing the information required in MEDEP Chapter 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted by September 1.

- (21) Russer shall pay the annual air emission license fee within 30 days of December 31<sup>st</sup> of each year. Pursuant to 38 M.R.S.A. Section 353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 M.R.S.A. Section 341-D, Subsection 3.

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(22) The term of this Order shall be for five (5) years from the signature below.

DONE AND DATED IN AUGUSTA, MAINE THIS                      DAY OF                      2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
BROOKE E. BARNES, ACTING COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/10/02

Date of application acceptance: 12/31/02

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This Order prepared by Lynn Ross, Bureau of Air Quality.